

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

VW CREDIT INC.,

Plaintiff,

v.

MUSCLE MOTORS AUTO SALES, INC.,

Defendant.

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MUSCLE MOTORS AUTO SALES, INC.,

Third Party Plaintiff,

v.

DAVID G. GONZALES and FRANK  
AGUIAR CLAVERIA,

Third Party Defendants.

Case No. 3:21-cv-00113-HDM-CLB

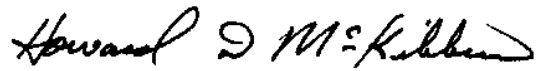
**ORDER**

The defendant/third party plaintiff has filed an *ex parte* motion for service by publication (ECF No. 33). It appears that although the associated affidavits and proposed order were served on the plaintiff (ECF Nos. 34-36), the motion itself, having been filed *ex parte*, was not. Where another party has appeared in this action, there is no basis for the filing of the motion *ex parte*. IT IS THEREFORE ORDERED that the defendant's *ex parte* motion for service by publication (ECF No. 33) is hereby STRICKEN. IT IS

1 FURTHER ORDERED that the defendant shall refile the motion without  
2 the *ex parte* designation no later than August 9, 2021, and shall  
3 serve such motion on the plaintiff. The plaintiff shall file any  
4 response or objection to the motion within the time provided by  
5 local rule.

6 IT IS SO ORDERED.

7 DATED: this 6th day of August, 2021.

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10 UNITED STATES DISTRICT JUDGE  
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